

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYCO FIRE PRODUCTS LP, : CIVIL ACTION
: NO. 10-4645
Plaintiff, :
: v. :
: :
VICTAULIC COMPANY, :
: Defendant. :
:

O R D E R

AND NOW, this **12th** day of **April, 2011**, it is hereby
ORDERED that Plaintiff's motion to dismiss Defendant's second
counterclaim and to strike Defendant's third affirmative defense
(doc. no. 16) is **GRANTED in part and DENIED in part** as follows:

- 1) Defendant's second counterclaim is hereby **DISMISSED without prejudice**;
- 2) The words "and/or unenforceable" in Defendant's third affirmative defense are hereby **STRICKEN**;
- 3) Paragraph 2(a) of Defendant's request for relief is hereby **STRICKEN**;
- 4) Defendant shall be permitted to file an amended answer by **April 26, 2011**.

AND IT IS SO ORDERED.

S/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.